IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE HON''BLE MR JUSTICE M.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 21030 of 2002

Between:

M/s.K.B.Rolling Mills (P) Ltd.,

Muppi Reddy Palle, Kachavaram,

Medak District, rep. by its Director,

Mr.Bikash Kumar Kedia, s/o.late Manoharlal Kedia,aged 26 years,Medak District.

..... PETITIONER

AND

1.Union of India,

Ministry of Finance,

Revenue Department,Chennai.

2.Central Board of Excise & Customs, New Delhi.

3.Additional Director General,

Directorate General of Excise Intelligence,

South Zone Unit, C-3,C-Wing,

Basant Nagar,Chennai-90.

4.Additional Commissioner,

Customs & Central Excise,

Hyderabad-I, Ciommissionerate,

Hyderabad.

5.Commissioner of Central Excise,

Hyderabad-I,Commissionerate,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction, declaring the Circular No.643/34/2002-CX dt.01-07-2002 in so far as Item No. 3(b) is concerned, issued by CBE & C is contrary to Sec. 4(3)(d) of the Central Excise Act is illegal arbitrary and unfair and violative of Article-14 of the Constitution of India and accordingly set aside the same and (iii) interdict the 3rd and 4th respondents from proceeding with the assessment proceedings in pursuance of its Notice No.F.No.INV/DGCEI/SZU/77/2002 dated 19.9.2002 .

Counsel for the Petitioner:MR.Y.VENKATESH REDDY

Counsel for the Respondents.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

ORDER(Per MR.JUSTICE M.H.S.ANSARI)

The matter is listed for withdrawal.

The learned counsel for the petitioner submits that the proceedings (show cause notice) challenged in the instant Writ Petition has since been cancelled by the initiating authority, the petitioner is therefore not desirous of pursuing the instant Writ Petition.

Accordingly, the Writ Petition is dismissed as withdrawn. No order as to costs.

M.H.S.ANSARI,J

---------- T.CH.SURYA RAO,J

23-02-2005

Stp

To

1.Union of India,

Ministry of Finance,

Revenue Department,Chennai.

2.Central Board of Excise & Customs, New Delhi.

3.Additional Director General,

Directorate General of Excise Intelligence,

South Zone Unit, C-3,C-Wing,

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